

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**THE GREAT AMERICAN
RESTAURANT COMPANY,**

Plaintiff/Counter-Defendant,

VS.

**DOMINO'S PIZZA LLC, DOMINO'S, INC.,
and DOMINO'S PIZZA, INC.**

Defendants/Counter-Plaintiffs

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Case No. 4:07-CV-00052-RAS-DDB
JURY TRIAL DEMANDED

**DECLARATION OF E. DEBORAH JAY, Ph.D. IN SUPPORT
OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

2008 Consumer Opinion Survey

January 2008

FIELD

RESEARCH

CORPORATION

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Report of E. Deborah Jay, Ph.D.

I. Introduction and Summary

I am President and Chief Executive Officer of Field Research Corporation (“Field Research”), a San Francisco-based research firm specializing in marketing and public opinion surveys. Field Research was retained by counsel for Domino’s Pizza in this action to conduct a survey concerning the primary significance of the name “BROOKLYN STYLE PIZZA”. Field Research conducted what is known as a “Teflon” survey – a survey designed to determine whether consumers regard a term as identifying a brand name or a common (generic) name.

For the survey, telephone interviews were completed with 300 adults age 18 or older. To be eligible for the Field Survey, adults had to have personally purchased pizza for themselves or for someone else in the past 3 months or think that they would this in the next 3 months. The 300 interviews with eligible adults were conducted by 27 professional interviewers from Field Research’s interviewing facilities in San Diego, California between December 19, 2007 and January 3, 2008. The interviews for the survey were double-blind: neither the interviewers nor the survey respondents were told the sponsor of the survey or that the survey was being conducted in connection with litigation.

After confirming their ability to tell brand names from common names, eligible survey respondents were asked whether “BROOKLYN STYLE PIZZA” was a brand name or a common name. Before being asked this question, survey respondents were told that we only were interested in their opinions and beliefs and to say if they had not heard of a name or if they did not have an opinion.

As described in detail in the discussion that follows, the survey found that the primary significance of the name “BROOKLYN STYLE PIZZA” to past and prospective purchasers of pizza is as a common (generic) name and not a brand name. Specifically, the survey found that 71% of survey

respondents thought “BROOKLYN STYLE PIZZA” was a common name, whereas only 21% thought “BROOKLYN STYLE PIZZA” was a brand name. (Approximately 8% had not heard of or did not know whether “BROOKLYN STYLE PIZZA” was a brand name or a common name, and less than 1% thought that it was both a brand name and a common name.) Among those survey respondents who had an opinion, 77% thought that “BROOKLYN STYLE PIZZA” was a common name.

The survey methods, findings, and my conclusions are described in the remainder of this report, which is based on the information that I have been provided and the analyses that I have performed thus far. I understand that I may be provided with additional information and may be asked to perform further analyses and if so, this report may be amended or revised.

In connection with my anticipated trial testimony in this action I may use as exhibits various documents produced in this litigation which refer to or relate to the matters discussed in this report. In addition, I may create or assist in the creation of certain demonstrative exhibits to assist me in testimony. I have not yet selected or created such exhibits.

II. Credentials

I am President and CEO of Field Research, one of the oldest and most respected marketing and public opinion research firms in the United States. I bring to this project more than 30 years of experience conducting large-scale surveys of all types (*e.g.*, mail, telephone and in-person), including surveys for public agencies, nonprofit organizations, private companies and law firms. I have conducted numerous surveys on behalf of both plaintiffs and defendants in trademark cases. I have testified in state and federal courts and have been qualified by several courts as an expert in survey methodology.

I hold a bachelor's degree in psychology and political science from the University of California at Los Angeles (*magna cum laude*) and a master's degree and doctorate in political science from the University of California at Berkeley. Before joining Field Research in 1991, I was a program director at SRI International (formerly Stanford Research Institute). I also was a manager with KPMG Peat Marwick in San Francisco, and a research associate at the Survey Research Center at the University of California at Berkeley. I have lectured to classes (at the graduate and undergraduate levels) at UC Berkeley's Haas School of Business, Institute for Governmental Studies, and Boalt Law School, and have served on the faculty of various continuing legal education programs.

I am past chair of the Council of American Survey Research Organizations (CASRO), a not-for-profit trade association representing over 200 survey research companies engaged in professional research. I served as a director of CASRO for seven years (from 1995 to 2001) and during that time chaired both the Survey Research Quality and Standards and Ethics committees of that organization.

I previously served on the Executive Council of the American Association for Public Opinion Research (AAPOR), a professional society of individuals engaged in opinion research, market research, and social research. I was elected Standards Chair of the national organization, served as president of the Pacific Chapter of that organization, and am now an editor of *Survey Practice*, an official publication of AAPOR. AAPOR was founded in 1947, and its membership includes approximately 2,000 individuals from every sector of the research community, including academic institutions, commercial organizations, government agencies and nonprofit organizations.

Founded in 1945 by Mervin Field, Field Research currently conducts thousands of interviews each year with representative samples of the general public, consumers, employees, corporate executives, and other populations. Field Research has conducted the nationally-quoted *Field Poll* since 1947, and has tracked voter preferences in all major statewide elections in California since

1948. Since 1948, the average deviation between *The Field Poll's* final pre-election poll in California and the actual percentage vote in California for the winning candidate in elections for President, Governor and U.S. Senate has been approximately two percentage points. *The Field Poll* is well-known throughout California for the surveys it regularly takes and publishes on issues of public importance.

III. Prior Testimony

During the past four years, I have testified in deposition and/or at trial in the following cases:

- S.C. Johnson & Son, Inc. v. Buzz Off Insect Shield, L.L.C. and International Garment Technologies (United States District Court, Middle District of North Carolina).
 - Merisant Company v. McNeil Nutritionals and McNeil PPC-Inc. (United States District Court, Eastern District of Pennsylvania).
 - Nissan Motor Co., v. Nissan Computer Corp. (United States District Court, Central District of California).
 - In re FedEx Ground Package System Inc. Employment Practices Litigation (United States District Court, Northern District of Indiana).
 - Kargo Global, Inc. v. Advance Magazine Publishers, Inc. (United States District Court, Southern District of New York).
 - Enterprise Rent-A-Car v. U-Haul International Inc. and eMove Inc. (United States District Court, Eastern District of Missouri).
 - Sutter Health, et. al., v. Unite Here (Superior Court of the State of California, Placer County).
 - Ty Inc., v. Softbelly's Inc. (United States District Court, Northern District of Illinois).
 - Peaceable Planet, Inc., v. Ty, Inc. and H. Ty Warner (United States District Court, Northern District of Illinois).
 - AARP v. Kramer Lead Marketing Group et. al. (United States District Court, Middle District of Florida).
 - UGG Holdings, Inc.(Deckers Outdoor Corporation) v. Clifford Severn, Percy Severn, Clifford Severn S.G., d/b/a Koolaburra, Paul Barclay, and Barclay Holdings Inc. (United States District Court, Central District of California).
 - Schwan's IP LLC and Schwan's Consumer Brands North America, Inc. v. Kraft Pizza Company (United States District Court, District of Minnesota).
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- Michael Marlo v. United Parcel Service (United States District Court, Central District of California).
- Starcrest Products of California v. Publishers ClearingHouse (United States District Court, Central District of California).
- Immersion v. Sony Computer Entertainment America, Inc., Sony Computer Entertainment Inc., and Microsoft Corporation (United States District Court, Northern District of California).
- Jacques Loussier v. Universal Music Group, Inc., Interscope Records, Inc., Interscope Records, LLC, Marshall Mathers, p/k/a Eminem and Andre Young, p/k/a Dr. Dre (United States District Court, Southern District of New York).

IV. Publications

A list of publications, publicly released technical reports, and conference papers/presentations I have authored or coauthored during the past 10 years is included in Appendix A.

V. Expert Compensation

Field Research is performing this study on a time and materials basis. Because work in connection with this project is ongoing, I do not yet know the total project costs. The hourly rate that Field Research is charging for my time in 2008 on this project is \$500.

VI. Documents Provided

I was provided with copies of the following court papers: (a) Plaintiff's Original Complaint; (b) Defendants' Answer to Complaint, Affirmative Defenses, and Counterclaim; (c) Plaintiff's First Amended Complaint; and (d) Defendants' Answer to First Amended Complaint, Affirmative Defenses, and Counterclaim. I also was provided with a copy of the report prepared by Daniel Howard and documents he produced in connection with his report.

VII. Survey Design

Under my design, direction and supervision, Field Research conducted a telephone survey with a nationwide random sample of adults age 18 or older who were past or prospective purchasers of pizza. The purpose of the survey was to determine whether pizza purchasers regard “BROOKLYN STYLE PIZZA” as a brand name or a common (generic) name.

Based on Field Research’s instruction, Marketing Systems Group, Inc. (a firm in Fort Washington, Pennsylvania that specializes in developing samples for surveys) generated the telephone numbers for the survey using random-digit-dialing and their database of area codes and prefixes for the United States. Random-digit-dialing was used to generate the telephone numbers for the survey to ensure that both listed and unlisted telephone households would be included.

A survey instrument (questionnaire) was developed for the survey, as well as written supervisor instructions, interviewer instructions, and a set of responses to general questions. (A copy of these materials is included in Appendix B.) The responses to general questions included background information about Field Research and provided responses for anticipated questions from potential survey respondents. Before interviewing began, Field Research’s project staff reviewed each of the survey materials with the interviewing staff during training sessions. Interviewers were monitored throughout data collection by interviewing supervisors to ensure that the interviews were conducted according to the written instructions (*i.e.*, the interviews were validated as they were conducted). The interviews for the survey were double-blind: neither the interviewers nor the survey respondents were told the name of the client or that the survey was being conducted in connection with litigation.

A computer program was developed for the survey, so that the survey instrument would appear on a computer terminal and interviewers would be able to enter survey respondents’ answers directly onto the computer (*i.e.*, the survey was administered using computer-assisted telephone

interviewing or CATI). A description of how the questionnaire appeared on the computer (*i.e.*, sample CATI screens) is included in Appendix B.

When a household was first contacted, the computer instructed the interviewer to ask for an adult in a scientifically selected gender/age group (*e.g.*, the man age 18 to 34 living in the household who had the most recent birthday). If there was an adult in the scientifically selected gender/age group living in the household and the adult was not available, the interviewer determined the best time to call back and administer the survey. If there was no adult living in the household in the scientifically selected gender/age group, the computer instructed the interviewer to ask for a person in another scientifically selected gender/age group (*e.g.*, the woman age 35 to 54 who had the most recent birthday).

When the scientifically selected adult in the household was reached, the interviewer introduced the survey in the following manner:

- “Hello, my name is _____ and I’m calling from Field Research Corporation. We are conducting a short opinion survey. We are not selling anything, and individual responses are confidential.”

The interviewer advised the survey respondent that they were being monitored to ensure quality and courtesy, and then asked a series of questions to determine whether the respondent was eligible for the survey. To be eligible for the survey, the respondent had to be an adult age 18 or older and have personally purchased pizza for himself/herself or for someone else in the past 3 months or think that he/she would do this in the next 3 months.

Adults who worked (or lived in a household in which someone worked) for a restaurant, store, or other company that makes or sells pizza or in marketing research or advertising research were excluded from the survey because these individuals might have special knowledge.

The interviews began with the following explanation:

- “Now, I would like to ask you about your understanding of some names or terms concerning pizza. For each one, I would like you to tell me whether you think it is a common or generic name or whether it is a brand name. A common or generic name refers to a type of product or service whereas a brand name refers to a product or service from one company or source. For example, PIZZA RESTAURANT is a common or generic name whereas PIZZA HUT is a brand name.”
- “Before I ask you about the following names or terms concerning pizza, I would like to assure you that we are only interested in your opinions and beliefs. After I read a name or term, if you would like me to repeat it or to spell the name or term, please let me know. If you have not heard of a name or term or if you don’t know what it refers to, please say so.”

Survey respondents then were asked whether “SBARRO” is a brand name or common name and whether “CALZONE” is a brand name or common name.^{1,2} Those survey respondents who correctly identified “SBARRO” as a brand name and “CALZONE” as a common name were administered the remainder of the questionnaire. Survey respondents who understood the difference between a brand name and common name were read a list of seven names or terms concerning pizza, including “BROOKLYN STYLE PIZZA,” and six controls used to measure the meaningfulness of the data with respect to “BROOKLYN STYLE PIZZA.”³

The three brand names used as controls were the following: “DIGIORNOS PIZZA,” “PAPA JOHNS PIZZA,” and “TOMBSTONE PIZZA.” The three common (generic) names used as controls were the following: “DEEP DISH PIZZA,” “THIN CRUST PIZZA,” and “VEGETARIAN PIZZA.” The order in which the names were read was randomized across survey respondents. After each name was read, the survey respondent was asked whether it was a brand name or common name.⁴

The telephone interviews for the survey were conducted at Field Research’s interviewing facilities in San Diego, California by 27 professional interviewers between December 19, 2007 and January 3, 2008.⁵ Randomly generated telephone numbers in the sample were dialed multiple times for the following purposes: (a) to determine whether the telephone number was associated with a

household, (b) to identify and reach a scientifically selected adult in the household, and (c) to determine whether the scientifically selected adult in the household was eligible for the survey (*e.g.*, whether he or she was a past or prospective pizza purchaser) and if so, to complete an interview. In all, 769 adults age 18 and older were screened for eligibility, and of these, 304 were determined eligible for the Field Survey. Of the 304 scientifically selected adults who were reached and determined eligible, 300 completed an interview for the Field Survey.⁶

VIII. Sample Characteristics and Representativeness

Table 1 compares the demographic characteristics of adults age 18 or older in the U.S. population with the characteristics of adults who were screened for eligibility and those for adults who were determined eligible and completed interviews for the Field Survey.

As intended, the gender distribution for adults who were screened for eligibility is virtually identical to the distribution for adults age 18 or older in the U.S. population. The sample of adults who qualified for the Field Survey and completed interviews includes a smaller percentage of men, relative to the overall U.S. population. This is because men were less apt to satisfy the eligibility criteria for the Field Survey than were women.

As intended, the age distribution for adults who were screened for eligibility is virtually identical to the distribution for adults age 18 or older in the U.S. population. The sample of adults who qualified for the Field Survey and completed interviews includes a smaller percentage of adults age 55 or older and a larger percentage of adults age 35 to 54, relative to the U.S. population. This is because adults age 55 or older were less apt to qualify and adults age 35 to 54 were more apt to qualify for the Field Survey, relative to adults in other age groups.

Table 1 Age and Gender Distributions for Adults Age 18 or Older in the U.S. Population, Adults Screened for Eligibility, and Eligible Adults Who Completed Interviews			
	U.S. Population[^]	Adults Screened for Eligibility (n = 769)	Eligible Field Survey Respondents (n = 300)
<u>Gender</u>			
Male	48%	48%	42%
Female	52	52	58
<u>Age</u>			
18 to 34	30%	29%	32%
35 to 54	39	39	53
55 and older	31	32	15

[^] Source: U.S. Census Bureau (www.census.gov).

Table 2 compares the geographic distribution for adults age 18 or older in the U.S. population with the distribution for adults who were screened for eligibility and for adults who were determined eligible and completed interviews for the Field Survey. As intended, the regional distribution for adults who were screened for eligibility is virtually identical to the distribution for adults age 18 or older in the U.S. population. As shown in Table 2, the sample of adults who qualified for the Field Survey and completed interviews includes a smaller percentage of adults in the South relative to the overall U.S. population. This is because adults in the South were less apt to satisfy the eligibility criteria for the Field Survey than were adults in other regions of the U.S. Conversely, eligible Field Survey respondents include a larger percentage of adults in the West relative to the overall U.S. population. This is because adults in the West were more apt to qualify for the Field Survey, relative to adults in other regions of the U.S.

Table 2 Regional Distribution for Adults Age 18 or Older in the U.S. Population, Adults Screened for Eligibility, and Eligible Adults Who Completed Interviews			
<u>Region</u>	<u>U.S. Population</u>[^]	<u>Adults Screened for Eligibility</u> (n = 769)	<u>Eligible Field Survey Respondents</u> (n = 300)
Northeast	19%	18%	22%
Midwest	22	22	19
South	36	37	31
West	23	23	28

[^] Source: U.S. Census Bureau (www.census.gov).

To qualify for the Field Survey, respondents had to have purchased pizza for themselves or someone else in the past 3 months or think that they would do this in the next 3 months. Most survey respondents (92%) had purchased pizza in the past 3 months, and most (98%) thought they would purchase pizza in the next three months.

The Field Survey was conducted according to accepted survey standards, and based on the overall design and execution of the survey it provides representative information regarding the primary significance of the name “BROOKLYN STYLE PIZZA” to past and prospective purchasers of pizza. Analyses based on the overall sample of 300 completed interviews have a maximum sampling error of approximately ± 6 percentage points at the 95% confidence level.^{7,8}

IX. Survey Results

The Field Survey found that the primary significance of “BROOKLYN STYLE PIZZA” to past and prospective purchasers of pizza is as a common (generic) name and not a brand name. As shown in Table 3, 71% of survey respondents thought “BROOKLYN STYLE PIZZA” was a common name, whereas only 21% thought “BROOKLYN STYLE PIZZA” was a brand name. (Approximately 8% of survey

respondents had not heard of or did not know whether “BROOKLYN STYLE PIZZA” was a brand name or common name and less than 1% thought that it was both a brand name and a common name.)

Table 3 Primary Significance of the Name “BROOKLYN STYLE PIZZA” Among All Survey Respondents (n = 300)	
Brand name	21%
Common name	71
Other^	<1
Have not heard of it/Don’t know	8

^ One survey respondent thought that “BROOKLYN STYLE PIZZA” was both a brand name and a common name.

Table 4 shows the primary significance of “BROOKLYN STYLE PIZZA” to those survey respondents who had an opinion. As shown in Table 4, among those who had an opinion, 77% of survey respondents thought “BROOKLYN STYLE PIZZA” was a common name (and not a brand name).

Table 4 Primary Significance of the Name “BROOKLYN STYLE PIZZA” Among Survey Respondents Who Had an Opinion (n = 276)	
Brand name	23%
Common name	77
Other^	<1

^ One survey respondent thought that “BROOKLYN STYLE PIZZA” was both a brand name and a common name.

Table 5 shows the percentage of all survey respondents in various demographic and other subgroups who thought “BROOKLYN STYLE PIZZA” was a common (generic) name. As shown in Table 5, regardless of age, gender, region or whether the survey respondent was a past or prospective purchaser of pizza, 65% or more of survey respondents thought “BROOKLYN STYLE PIZZA” was a common name (and not a brand name).

Table 5	
Percentage Who Thought “BROOKLYN STYLE PIZZA” Was a Common (Generic) Name for Various Subgroups Based on All Survey Respondents	
Total (n = 300)	71%
Gender	
Men (n = 125)	73
Women (n = 175)	70
Age	
18 to 34 (n = 95)	71
35 to 54 (n = 159)	73
55 or older (n = 46)	65
Region	
Northeast (n = 66)	68
Midwest (n = 58)	72
South (n = 93)	70
West (n = 83)	74
Past/Prospective Purchaser	
Past purchaser [†] (n = 277)	71
Prospective purchaser [‡] (n = 293)	71

[†] Includes adults who had purchased pizza for themselves or for someone else in the past 3 months.

[‡] Includes adults who thought they would purchase pizza for themselves or for someone else in the next 3 months.

Table 6 shows the percentage of survey respondents who thought “BROOKLYN STYLE PIZZA” was a common (generic) name for various demographic and other subgroups, among those who expressed an opinion. As shown in Table 6, regardless of age, gender, region, or whether the survey respondent was a past or prospective purchaser of pizza, among those who had an opinion 74% or more of survey respondents thought “BROOKLYN STYLE PIZZA” was a common name (and not a brand name).

Table 6	
Percentage Who Thought “BROOKLYN STYLE PIZZA” Was a Common (Generic) Name for Various Subgroups Based on Survey Respondents Who Had An Opinion	
Total (n = 276)	77%
Gender	
Men (n = 117)	78
Women (n = 159)	77
Age	
18 to 34 (n = 90)	74
35 to 54 (n = 146)	80
55 or older (n = 40)	75
Region	
Northeast (n = 60)	75
Midwest (n = 51)	82
South (n = 87)	75
West (n = 78)	78
Past/Prospective Purchaser	
Past purchaser [†] (n = 256)	77
Prospective purchaser [‡] (n = 269)	77

[†] Includes adults who had purchased pizza for themselves or for someone else in the past 3 months and who had an opinion.

[‡] Includes adults who thought they would purchase pizza for themselves or for someone else in the next 3 months and who had an opinion.

As indicated, six control names were included in the survey to measure the meaningfulness of the data with respect to “BROOKLYN STYLE PIZZA.” A majority of the survey respondents correctly identified the controls “DIGIORNOS,” “PAPA JOHNS,” and “TOMBSTONE” as brand names, and “DEEP DISH,” “THIN CRUST,” and “VEGETARIAN” as common names. These findings demonstrate that survey respondents were familiar with various names concerning pizza and that they understood the difference between a brand name and a common name. (These results are shown in Table 7.)

Table 7 Primary Significance of Various Names Concerning Pizza, Among All Survey Respondents							
	DIGIORNOS PIZZA (n = 300)	PAPA JOHNS PIZZA (n = 300)	TOMB- STONE PIZZA (n = 300)	BROOKLYN STYLE PIZZA (n = 300)	DEEP DISH PIZZA (n = 300)	THIN CRUST PIZZA (n = 300)	VEGE- TARIAN PIZZA (n = 300)
Brand name	97%	97%	95%	21%	10%	5%	3%
Common name	2	3	3	71	90	93	95
Other [^]	0	0	0	<1	0	<1	0
Haven't heard of it/ Don't know	1	0	2	8	<1	2	2

[^] One survey respondent thought that "BROOKLYN STYLE PIZZA" and one survey respondent thought that "THIN CRUST PIZZA" was both a brand name and a common name.

Table 8 shows the results for each name among survey respondents who had an opinion. As shown in Table 8, among those who had an opinion, a majority of the survey respondents correctly identified the controls "DIGIORNOS," "PAPA JOHNS," and "TOMBSTONE" as brand names, and "DEEP DISH," "THIN CRUST," and "VEGETARIAN" as common names. Once again, these findings demonstrate that survey respondents understood the difference between a brand name and a common name.

Table 8 Primary Significance of Various Names Concerning Pizza, Among Survey Respondents Who Had An Opinion							
	DIGIORNOS PIZZA (n = 297)	PAPA JOHNS PIZZA (n = 300)	TOMB- STONE PIZZA (n = 295)	BROOKLYN STYLE PIZZA (n = 276)	DEEP DISH PIZZA (n = 298)	THIN CRUST PIZZA (n = 294)	VEGE- TARIAN PIZZA (n = 295)
Brand name	98%	97%	97%	23%	10%	5%	3%
Common name	2	3	3	77	90	95	97
Other [^]	0	0	0	<1	0	<1	0

[^] One survey respondent thought that "BROOKLYN STYLE PIZZA" and one survey respondent thought that "THIN CRUST PIZZA" was both a brand name and a common name.

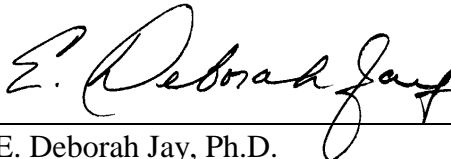
X. Conclusions

The Field Survey was conducted according to accepted survey standards, and based on its overall design and execution, the survey provides representative information regarding the primary significance of the name “BROOKLYN STYLE PIZZA” to past and prospective purchasers of pizza.

The survey found that the primary significance of the name “BROOKLYN STYLE PIZZA” to past and prospective pizza purchasers is as a common (generic) name and not a brand name. Seventy-one percent of survey respondents thought that “BROOKLYN STYLE PIZZA” was a common name, whereas only 21% thought “BROOKLYN STYLE PIZZA” was a brand name. (Approximately 8% of survey respondents had not heard of or did not know whether “BROOKLYN STYLE PIZZA” was a brand name or common name and less than 1% thought that it was both a brand name and a common name.) Among those survey respondents who had an opinion, 77% thought that “BROOKLYN STYLE PIZZA” was a common name (and not a brand name).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 18th day of January 2008 at San Francisco, California.



E. Deborah Jay, Ph.D.

ENDNOTES

- 1 The order of the questions pertaining to “SBARRO” and “CALZONE” was rotated across survey respondents (*i.e.*, approximately half the survey respondents was asked about “SBARRO” first and approximately half was asked about “CALZONE” first).
- 2 The order of the responses categories for the questions pertaining to “SBARRO” and “CALZONE” also was rotated across survey respondents. For example, approximately half the survey respondents was asked whether each of these names was a “brand name or common name.” The other half was asked whether each of these names was a “common name or brand name.”
- 3 The question pertaining to “BROOKLYN STYLE PIZZA” was worded as follows for approximately half the survey respondents: “Do you think BROOKLYN STYLE PIZZA is a brand name or common name?” It was worded as follows for the other half of the survey respondents: “Do you think BROOKLYN STYLE PIZZA is a common name or brand name?”
- 4 The order in which the response categories were read also was randomized across survey respondents. For approximately half the survey respondents, the question wording was as follows: “Do you think (NAME) is a brand name or common name?” It was worded as follows for the other half of the survey respondents: “Do you think (NAME) is a common name or brand name?”

When a survey respondent finished answering a question, Field Research’s interviewers recorded the survey respondent’s answer on a computer by selecting one of the following five response categories: brand name, common name, other (SPECIFY), haven’t heard/don’t know and refused. The “other (SPECIFY)” category was used by interviewers to record any responses that did not match one of the other response categories.

- 5 A pretest was conducted with twelve adults on December 18, 2007. The questionnaire for the pretest was identical to the questionnaire used for the survey, except for one of the brand name controls. In the pretest questionnaire, “ROUND TABLE PIZZA” served as one of the brand name controls. In the final questionnaire, “PAPA JOHNS PIZZA” was substituted for “ROUND TABLE PIZZA” because it has more locations nationwide. Of the twelve pretest respondents, nine pretest respondents (75%) thought “BROOKLYN STYLE PIZZA” was a common (generic) name, whereas only one pretest respondent (8%) thought it was brand name. Two pretest respondents (17%) had not heard of or did not know whether “BROOKLYN STYLE PIZZA” was a brand name or a common name. The pretest data were not included in the survey analyses. However, had the pretest data been included in the survey analyses, the survey results would have been virtually identical.
- 6 In all, 14,799 randomly generated telephone numbers were dialed for the survey. Of the 14,799 randomly generated telephone numbers for the survey, 4,779 were not usable for the following reasons: the telephone number was for a fax machine, pager/answering service, business or other non-household or the telephone number was disconnected or changed. In another 4,521 instances, the telephone number was never answered despite multiple dialing attempts.

In 4,189 instances a household was reached, but there was no adult in the scientifically selected gender/age group or the scientifically selected adult was not identified. The 4,189 breaks down, as follows: in 333 instances there was no adult in the scientifically selected gender/age group living in the household; in 696 instances a knowledgeable adult in the household was never reached despite multiple attempts to do so; in 2,886 instances, someone in the household refused before the scientifically selected adult was identified; and in 274 instances the scientifically selected adult was not identified for miscellaneous other reasons (*e.g.*, due to a language or other communication barrier).

Of the 1,310 scientifically selected adults who were identified, 769 adults were reached and completed a screening interview. Of the 769 adults who were screened for eligibility, 304 qualified for the survey and 300 completed an interview.

- 7 The maximum sampling error is based on percentages around 50%; percentages at either end of the distribution (*i.e.*, very small or very large percentages) have a smaller sampling error. While there are other potential sources of error in surveys besides sampling error, the overall design and execution of the survey minimized the potential for other sources of error.
- 8 The margin of error for the 71% of survey respondents who thought that “BROOKLYN STYLE PIZZA” is a common name is approximately ± 5 percentage points at the 95% confidence level. Among those survey respondents who had an opinion, the margin of error for the 77% who thought that “BROOKLYN STYLE PIZZA” is a common name also is approximately ± 5 percentage points at the 95% confidence level.

Appendix A

E. Deborah Jay, Ph.D. Publicly Released Technical Reports, Conference Papers/Presentations, and Publications Since 1998 (Author or Co-author)

Appendix A

E. Deborah Jay, Ph.D. Publicly Released Technical Reports, Conference Papers/Presentations, and Publications Since 1998 (Author or Co-author)

Author or coauthor of numerous proprietary reports.

“Wine, Women and Song: Use of Survey Evidence in the Gallo, Princess Diana, and Napster Cases.” Presentation to the San Francisco Intellectual Property Law Association. (San Francisco, December 2006.)

“Improving the Representativeness of RDD Telephone Surveys by Accounting for Recent Cell Phone-Only Households.” Presentation at the PAPOR 2005 Conference sponsored by the American Association for Public Opinion Research, Pacific Chapter. (San Francisco, December 2005.)

“Litigation Surveys.” In Polling America: An Encyclopedia of Public Opinion, edited by Samuel J. Best and Benjamin Ratcliff. Volume 1. (Westport, CT: Greenwood Press, 2005.)

“Survey Ethics.” In Polling America: An Encyclopedia of Public Opinion, edited by Samuel J. Best and Benjamin Ratcliff. Volume 2. (Westport, CT: Greenwood Press, 2005.)

“Taking the Public’s Pulse: Surveys Then and Now.” Keynote Address at the 2004 Marketing and Public Policy Conference sponsored by the American Marketing Association. (Salt Lake City, May 2004.)

“Dilution Surveys: Design and Analysis Issues.” Presentation to The Barristers Club of San Francisco Intellectual Property Section. (San Francisco, June 2003.)

“AAPOR Prepares New Statement Condemning Push Polls.” AAPOR News. (Spring 2003.)

“Survey Evidence in Court: What It Takes to Get Through the Gate.” Presentation at the annual conference of the American Association for Public Opinion Research. (Nashville, May 2003.)

“Polling Hewlett-Packard Employees Regarding the HP-Compaq Marriage Proposal: Speak Now or Forever Hold Your Peace.” Presentation at the PAPOR 2002 Conference sponsored by the American Association for Public Opinion Research, Pacific Chapter. (Asilomar, December 2002.)

“Admissibility and Standards for Legal Surveys.” Presentation at the annual conference of the American Association for Public Opinion Research. (St. Petersburg, May 2002.)

“The Cat and Canary: Napster In Court.” Presentation at the annual conference of the American Association for Public Opinion Research. (St. Petersburg, May 2002.)

“Fifth Annual Los Angeles County Giving and Volunteering Survey.” Report prepared for the California Community Foundation. (Field Research Corp., November 2001.)

“AAPOR’s Final Disposition Codes: A Work in Progress.” Presentation at the PAPOR 2001 Conference sponsored by the American Association for Public Opinion Research, Pacific Chapter. (Asilomar, October 2001.)

“Courting Opinions: Surveys for Litigation.” Presentation at the annual conference of the American Association for Public Opinion Research. (Montreal, May 2001.)

“Surveys in Unfair Competition Cases.” Presentation at the Basics of Trademark Litigation Forum sponsored by the International Trademark Association. (Washington D.C., February 2001.)

“City of Menlo Park: 2001 Community Attitude Survey.” Prepared for the City of Menlo Park, Office of the City Manager. (Field Research Corp., 2001.)

“Word from the Past Chair.” CASRO Comments. (Council of American Survey Research Organizations, Vol. 22, Number 1, 2000.)

“Uses and Abuses of Internet Research: A Call to Action.” Presentation at the PAPOR 2000 Conference sponsored by the American Association for Public Opinion Research, Pacific Chapter. (Monterey, November 2000.)

“Surveys as Scientific Evidence.” Presentation at the Forensics Research Conference sponsored by the Council of American Survey Research Organizations. (New York, February 2000.)

“1999: The Polls, Critical Events, and CASRO’s Response.” Presentation at the annual conference of the Council of American Survey Research Organizations. (Charleston, November 1999.)

“Surveys as Scientific Testimony.” Presentation at the 1999 Field Institute Workshop. (San Francisco, October, 1999.)

“New Technology: Implications for the Survey Industry.” Opening address at the Technology Conference sponsored by the Council of American Survey Research Organizations. (New York, June 1999.)

“Word from the Chair.” CASRO Comments. (Council of American Survey Research Organizations, Vol. 21, Numbers 1-5, 1999.)

“1999 Sacramento Regional Philanthropy Survey.” Prepared for the Sacramento Regional Foundation. (Field Research Corp., 1999.)

“1999 Berkeley Community Survey.” Prepared for the City of Berkeley, Office of the City Manager. (Field Research Corp., 1999.)

“1999 Tri-Valley Community Survey.” Prepared for The Tri-Valley Business Council. (Field Research Corp., 1999.)

“Industry Challenges and Opportunities: CASRO Initiatives for 1999 and Beyond.” Presentation at the annual conference of the Council of American Survey Research Organizations. (San Diego, October 1998.)

“Standards Issues that Can Make or Break Our Industry.” Panel moderator at the annual conference of the Council of American Survey Research Organizations. (San Diego, October 1998.)

“Respondents: A Diminishing Resource.” Roundtable chair at the annual conference of the Council of American Survey Research Organizations. (San Diego, October 1998.)

“Community Foundation Opinion Surveys: Issues and Answers.” Presentation to the annual conference of the Council on Foundations. (Miami, October 1998.)

“1998 Los Angeles County Children and Youth Issues Survey.” Prepared for the California Community Foundation. (Field Research Corp., July 1998.)

“1998 Berkeley Community Survey.” Prepared for the City of Berkeley, Office of the City Manager. (Field Research Corp., June 1998.)

“Cyber California: A Portrait of PC and E-Mail Users and How They Differ from Other California Adults.” Presentation to the annual conference of the American Association for Public Opinion Research. (St. Louis, May 1998.)

“Using the Internet for Surveys.” Panel discussant at the annual conference of the American Association for Public Opinion Research. (St. Louis, May 1998.)

“Minimum Standards for Legal Research: Should AAPOR Have a Role?” Panel discussant at the annual conference of the American Association for Public Opinion Research. (St. Louis, May 1998.)

“The State of the Industry.” Closing address at the Marketing Research Tech 98 Conference. (San Francisco, April 1998.)

Appendix B

Survey Materials

- *Supervisor Instructions*
- *Interviewer Instructions*
- *Responses to General Questions*
- *Questionnaire*
- *CATI Screens*

Field Research Corporation
San Francisco, CA

163-001

CONSUMER OPINION SURVEY

– Supervisor Instructions –

Background Information

Field Research Corporation is conducting a survey with a nationwide random sample of adults about their understanding of some names or terms. The survey will be administered using Field Research's computer-assisted-telephone interviewing system (CATI) from our interviewing facilities in California. Only experienced interviewers should be assigned to the project. Before an interviewer conducts any interviews, the interviewer must participate in a training session for the project, be familiar with the survey instrument and the written instructions for the study, and know how to use the CATI program. Interviewers should familiarize themselves with the CATI program by conducting practice interviews using the CATI practice program.

The Sample, Eligibility, and Respondent Selection

For the survey, a nationwide random sample of telephone numbers has been generated for the United States using a sampling method known as random-digit-dialing. This method of sampling ensures that both listed and unlisted households will be included in the survey. However, some of the randomly generated telephone numbers will not be eligible (*e.g.*, they will be assigned to a business, cellular telephone, fax machine, or modem; they will be disconnected). If the interviewer reaches such a number, the interviewer should assign the appropriate outcome code.

When a household is first reached, interviewers will administer the respondent selection portion of the questionnaire to randomly select an adult in the household to interview. To ensure that a representative sample of adults is screened for eligibility, quotas have been set for men and for women in the following three age groups: (a) age 18 to 34, (b) age 35 to 54, and (c) age 55 and older. When a household is first contacted, the computer program will instruct the interviewer to ask for an adult in one of the age/gender groups until the screening interviews for each group are completed.

After the randomly selected adult is identified and reached, interviewers should administer the screener portion of the interview to determine whether the adult is eligible for the survey. To be eligible for the survey, the randomly selected adult must have personally purchased pizza for himself/herself or for someone else in the past 3 months or think that he/she will do this in the next 3 months. The adult also must satisfy several other criteria (*e.g.*, not work for a restaurant, store, or other company that makes or sells pizza, not work in marketing research or advertising research). Eligible adults will be administered a short questionnaire.

The Survey Instrument

A survey instrument has been prepared for the study which includes: respondent selection procedures, screener questions to determine eligibility for the survey, and a questionnaire for eligible adults. All of the items in the survey instrument specify (a) when to read the response categories, (b) the order in which the response categories are to be read, and (c) instructions for recording respondents' answers. Interviewers should be thoroughly familiar with the CATI instrument before conducting any interviews.

Scheduling Interviews and Recording Call Attempts

You will need to ensure that the sample is worked properly for the study. Randomly generated telephone numbers should be dialed multiple times during the data collection period (as necessary) (a) to determine whether it is a household telephone number, (b) to reach and screen a randomly selected adult in the household, and (c) to complete an interview with an eligible adult in the household if there is one. Interviewers

should record the appropriate outcome code each time a telephone number is dialed (*e.g.*, completed interview, no answer, busy signal, callback). On weekdays, the majority of attempts to complete interviews will be made in the evening between 5:00 PM and 9:00 PM (local time); on weekends the majority of calls will be placed between 10:00 AM and 8:00 PM (local time). Callbacks will be attempted at other times if requested by the survey respondent.

The interview is very short and should take about ten minutes to administer. Interviewers should attempt to administer the screening portion of the survey instrument when they first reach the randomly selected adult in the household and, if eligible, they should administer the questionnaire. If the randomly selected adult is unavailable or unable to complete the survey instrument when a household is first contacted, the interviewer will need to schedule a callback at a more convenient time for the respondent. Interviewing hours should be spread as evenly as possible across all interviewers working on the study; no interviewer should complete a disproportionate number of interviews.

Obtaining Cooperation

Interviewers should make every effort to maximize cooperation with the study by assuring survey respondents that this is strictly a confidential opinion survey, providing background information on Field Research, and advising potential survey respondents that the questionnaire will not take very long to complete. Interviewers should assure potential survey respondents that individual names of survey respondents will not be identified or linked to the survey results.

Conducting Interviews

Interviewers must be familiar with the survey instrument before they conduct any interviews. Interviewers should follow the script carefully (*i.e.*, read the questions in a neutral manner, exactly as they are worded in the script, and in the order listed in CATI; read response categories for a question only when instructed to do so and in the order listed on the CATI screen). The order in which certain items in the questionnaire will be asked will be randomized across survey respondents. Additionally, the order in which response categories will be read for individual items will be randomized across survey respondents.

Interviewers should allow survey respondents as much time as they need to answer each question and should record answers completely and accurately. If interviewers need respondents to speak more slowly or to repeat their answers, they should politely ask them to do so. If a respondent's answer matches a precoded response, the interviewer should enter the appropriate code for that response. If a respondent's answer does not match a precoded response the interviewer should enter the code for "other" and record the respondent's verbatim answer in the CATI screen that asks them to "specify" the respondent's answer. If an interviewer makes an error entering a survey respondent's answer, the interviewer should make the correction before proceeding to the next question. If the survey respondent changes an answer to an earlier question, the interviewer should record this on a Comment/Correction sheet and then continue the interview.

Answering Questions

Interviewers should not interpret specific items or instructions in the survey instrument. If asked to do so by the survey respondent, interviewers should indicate that they do not want to bias survey respondents' answers in any way. Interviewers may offer to reread a question and ask the survey respondent to use his/her best judgment in answering it. The entire question should be reread exactly as it is worded. Interviewers should never paraphrase or reread just a portion of a question.

We have anticipated some general questions about the study and have provided standard responses that interviewers can read when answering survey respondents' questions. Supervisors and interviewers should be familiar with these questions and answers and should not attempt to answer any other questions about the

study. If you or an interviewer does not know how to respond to a question or comment, offer to provide the name and number for the project director, Dr. Jay.

Confidentiality

After data for the study have been collected, personal identifiers (*e.g.*, survey respondents' names, telephone numbers) will be removed from the database. As a supervisor, you are responsible for ensuring that individual responses are kept confidential at all times. Interviewers may not divulge anything they learn during an interview except to record answers on the computer or discuss a problem with their supervisor.

Quality Control

Interviewers should be monitored throughout the data collection period to ensure that they are following the survey instructions, properly administering the survey instrument, and recording answers completely and accurately. If you or an interviewer has any questions or problems, contact Dr. Jay immediately by telephone.

Overview of Supervisor Responsibilities

Before supervising any interviews, you will need to review and understand the supervisor and interviewer instructions and be familiar with the survey instrument. You also will need to attend the training session for the project. It is your responsibility to:

- Assign only experienced interviewers to the project who have excellent interviewing skills and who are able to record survey responses accurately and completely.
- Ensure that all interviewers have participated in a project briefing and are familiar with the survey instrument and CATI program before being allowed to conduct any interviews.
- Ensure that interviewers are always supervised.
- Monitor interviewers throughout the data collection period to ensure that they properly administer the survey instrument for the study, according to the written instructions.
- Ensure that the sample is worked properly (*e.g.*, numbers are dialed multiple times; callbacks are made at scheduled times; work is spread out evenly across interviewers).
- Fax Comment/Correction sheets to Dr. Jay at the end of each day.
- Call Dr. Jay immediately if a supervisor or interviewer has any questions or problems.

Summary of Monitoring Activities

Interviewers may not work without a supervisor present; you will need to ensure that all interviewers do the following:

- Strictly adhere to the written instructions for conducting the study and the instructions on the survey instrument (which also will appear on the CATI screen along with the items).
- Make every effort to maximize cooperation with the study.
- Properly administer the survey instrument for the study (*e.g.*, read each question in a clear and neutral manner and in the order shown on the CATI screen).
- Read questions clearly and exactly as written; if a survey respondent says he/she does not understand a question, the interviewer should repeat the entire question.

- Read response categories only when instructed to do so and read them in the order listed on the CATI screen.
- Allow survey respondents sufficient time to answer each question before proceeding to the next one, and accurately and completely record survey respondents' answers to all questions. When necessary, the interviewer should ask the survey respondent to speak more slowly or repeat his/her answer.
- If a respondent's answer does not match a precoded response the interviewer should enter the code for "other" and record the respondent's verbatim answer in the CATI screen that asks them to "specify" the respondent's answer. If the survey respondent does not have an opinion in response to a specific question, the interviewer should enter "DK" (don't know).
- If a survey respondent wants to change his answer after the interviewer has passed that question in CATI, the interviewer should record this on a Comment/Correction sheet; the interviewer should not change the respondent's initial response in the computer.
- Assign an outcome code to all attempts to complete an interview.
- Keep survey materials and survey respondents' answers confidential at all times.
- Notify the supervisor immediately if the interviewer has any questions or problems.
- If the survey respondent would like to speak to someone at Field Research, the interviewer should give the survey respondent Field Research's toll-free number and tell him/her to ask for Dr. Deborah Jay, the study director.

Field Research Corporation
San Francisco, CA

163-001

CONSUMER OPINION SURVEY

– Interviewer Instructions –

Background Information

Field Research Corporation is conducting a survey with a nationwide random sample of adults about their understanding of some names or terms. The survey will be administered using Field Research's computer-assisted-telephone interviewing system (CATI) from our interviewing facilities in California. Before you conduct any interviews, you must participate in a training session for the project, be familiar with the survey instrument and the written instructions for the study, and know how to use the CATI program. You should familiarize yourself with the CATI program by conducting practice interviews using the CATI practice program.

The Sample, Eligibility, and Respondent Selection

For the survey, a nationwide random sample of telephone numbers has been generated for the United States using a sampling method known as random-digit-dialing. This method of sampling ensures that both listed and unlisted households will be included in the survey. However, some of the randomly generated telephone numbers will not be eligible (*e.g.*, they will be assigned to a business, cellular telephone, fax machine, or modem; they will be disconnected). If you reach such a number, you should assign the appropriate outcome code.

When a household is first reached, you will administer the respondent selection portion of the questionnaire to randomly select an adult in the household to interview. To ensure that a representative sample of adults is screened for eligibility, quotas have been set for men and for women in the following three age groups: (a) age 18 to 34, (b) age 35 to 54, and (c) age 55 and older. When a household is first contacted, the computer program will instruct you to ask for an adult in one of the age/gender groups until the screening interviews for each group are completed.

After the randomly selected adult is identified and reached, you should administer the screener portion of the interview to determine whether the adult is eligible for the survey. To be eligible for the survey, the randomly selected adult must have personally purchased pizza for himself/herself or for someone else in the past 3 months or think he/she will do this during the next 3 months. The adult also must satisfy several other criteria (*e.g.*, not work for a restaurant, store, or other company that makes or sells pizza, not work in marketing research or advertising research). Eligible adults will be administered a short questionnaire.

The Survey Instrument

A survey instrument has been prepared for the study which includes: respondent selection procedures, screener questions to determine eligibility for the survey, and a questionnaire for eligible adults. All of the items in the survey instrument specify (a) when to read the response categories, (b) the order in which the response categories are to be read, and (c) instructions for recording respondents' answers. You should be thoroughly familiar with the CATI instrument before conducting any interviews.

Scheduling Interviews and Recording Call Attempts

Randomly generated telephone numbers will be dialed multiple times during the data collection period (as necessary) (a) to determine whether it is a household telephone number, (b) to reach and screen a randomly selected adult in the household, and (c) to complete an interview with an eligible adult in the household if there is one. You should record the appropriate outcome code each time you dial a telephone number (*e.g.*, completed interview, no answer, busy signal, callback). On weekdays, the majority of attempts to complete interviews will be made in the evening between 5:00 PM and 9:00 PM (local time); on weekends the majority

of calls will be placed between 10:00 AM and 8:00 PM (local time). Callbacks will be attempted at other times if requested by the survey respondent.

The interview is very short and should only take about ten minutes to administer. You should attempt to administer the screening portion of the survey instrument when you first reach the randomly selected adult in the household and, if eligible, you should administer the questionnaire. If the randomly selected adult is unavailable or unable to complete the survey instrument when a household is first contacted, you will need to schedule a callback at a more convenient time for the respondent. Interviewing hours will be spread as evenly as possible across all interviewers working on the study; we do not want any interviewer completing a disproportionate number of interviews.

Obtaining Cooperation

You should make every effort to maximize cooperation with the study by assuring survey respondents that this is strictly a confidential opinion survey, providing background information on Field Research, and advising potential survey respondents that the questionnaire will not take very long to complete. You should assure potential survey respondents that individual names of survey respondents will not be identified or linked to the survey results.

Conducting Interviews

You should be familiar with the survey instrument before you conduct any interviews, and you should follow the script carefully (*i.e.*, read the questions in a neutral manner, exactly as they are worded in the script, and in the order listed in CATI; read response categories for a question only when instructed to do so and in the order listed on the CATI screen). The order in which certain items in the questionnaire will be asked will be randomized across survey respondents. Additionally, the order in which response categories will be read for individual items will be randomized across survey respondents.

You should allow survey respondents as much time as they need to answer each question and should record answers completely and accurately. If you need respondents to speak more slowly or to repeat their answers, you should politely ask them to do so. If a respondent's answer matches a precoded response, you should enter the appropriate code for that response. If a respondent's answer does not match a precoded response you should enter the code for "other" and record the respondent's verbatim answer in the CATI screen that asks you to "specify" the respondent's answer. If you make an error entering a survey respondent's answer, you should make the correction before proceeding to the next question. If the survey respondent changes an answer to an earlier question, you should record this on a Comment/Correction sheet and then continue the interview.

Answering Questions

You should not interpret specific items or instructions in the survey instrument. If asked to do so by the survey respondent, you should indicate that you do not want to bias survey respondents' answers in any way. You may offer to reread a question and ask the survey respondent to use his/her best judgment in answering it. The entire question should be reread exactly as it is worded. You should never paraphrase or reread just a portion of a question.

We have anticipated some general questions about the study and have provided standard responses that you can read when answering survey respondents' questions. You should be familiar with these questions and answers and should not attempt to answer any other questions about the study. If you do not know how to respond to a question or comment, offer to provide the name and number for the project director, Dr. Jay.

Confidentiality

After data for the study have been collected, personal identifiers (*e.g.*, survey respondents' names, telephone numbers) will be removed from the database. You must keep individual responses confidential at all times. You may not divulge anything you learn during an interview except to record answers on the computer or discuss a problem with your supervisor.

Quality Control

You will be monitored throughout the data collection period to ensure that you are following the survey instructions, properly administering the survey instrument, and recording answers completely and accurately. If you have any questions or problems, contact your supervisor immediately.

Overview of Interviewer Responsibilities

Before conducting any interviews, you will need to review and understand the interviewer instructions and be familiar with the survey instrument. You also will need to attend the training session for the project. It is your responsibility to:

- Strictly adhere to the written instructions for conducting the study and the instructions on the survey instrument (which also will appear on the CATI screen along with the items).
- Make every effort to maximize cooperation with the study.
- Properly administer the survey instrument for the study (*e.g.*, read each question in a clear and neutral manner and in the order shown on the CATI screen).
- Read questions clearly and exactly as written; if a survey respondent says he/she does not understand a question, you should repeat the entire question.
- Read response categories only when instructed to do so and read them in the order listed on the CATI screen.
- Allow survey respondents sufficient time to answer each question before proceeding to the next one, and accurately and completely record survey respondents' answers to all questions. When necessary, you should ask the survey respondent to speak more slowly or repeat his/her answer.
- If a respondent's answer does not match a precoded response you should enter the code for "other" and record the respondent's verbatim answer in the CATI screen that asks you to "specify" the respondent's answer. If the survey respondent does not have an opinion in response to a specific question, you should enter "DK" (don't know).
- If a survey respondent wants to change his/her answer after you have passed that question in CATI, you should record this on a Comment/Correction sheet; you should not change the respondent's initial response in the computer.
- Assign an outcome code to all attempts to complete an interview.
- Keep survey materials and survey respondents' answers confidential at all times.
- Notify the supervisor immediately if you have any questions or problems.
- If the survey respondent would like to speak to someone at Field Research, you should give the survey respondent Field Research's toll-free number and tell him/her to ask for Dr. Deborah Jay, the study director.

Field Research Corporation
San Francisco, CA

163-001

CONSUMER OPINION SURVEY
– Responses to General Questions –

“What is Field Research Corporation?”

Founded in 1945 by Mervin Field, Field Research Corporation is a nationally recognized public opinion and marketing research firm headquartered in San Francisco, California that conducts surveys for private corporations, nonprofit organizations, and government agencies.

IF NECESSARY, ADD: We are strictly a research firm. We do not work for political candidates, and we do not develop sales leads. Let me assure you that your individual responses will be strictly confidential. You will not become part of a marketing database nor will you receive a sales call as a result of your participation in this survey.

“Why are you conducting this survey?”

We are conducting a short opinion survey with a nationwide random sample of adults. To begin, I will be asking about purchases of certain types of food. The survey should take only about 10 minutes. We are not selling anything, and your individual responses will be strictly confidential.

“Who is sponsoring this survey?”

Field Research Corporation is a nationally recognized public opinion and marketing research firm headquartered in San Francisco, California. The surveys we conduct are sponsored by private corporations, nonprofit organizations, and government agencies.

IF NECESSARY, ADD: To ensure that no one will be biased, we are not told the sponsors of a particular study. If you would like more information about Field Research Corporation, I can have Dr. Deborah Jay, Field Research’s project director, contact you.

“How many people are you interviewing?”

We are interviewing hundreds of adults across the United States. The survey should only take about 10 minutes to complete, and your participation is important to ensure that all types of opinions are represented.

IF NECESSARY, ADD: To ensure that no one will be biased, we were not given any more information. If you would like, I can have Dr. Deborah Jay, Field Research’s project director, contact you.

“How long will this take?”

The length of the survey will depend on your answers. We anticipate that it will take about 10 minutes to complete. Why don’t we get started?

“Can I get more information about this study?”

This is all the information I have. However, if you would like I can have Dr. Deborah Jay, Field Research’s project director, call you. Alternatively, you can use Field Research Corporation’s toll-free number to call her at 1-800-234-0340.

Field Research Corporation
San Francisco, CA 94108

163-001

**2007/2008 CONSUMER OPINION SURVEY
– Survey Instrument –**

INTERVIEWER INSTRUCTION

READ EACH QUESTION EXACTLY AS WRITTEN, AND ALLOW THE RESPONDENT SUFFICIENT TIME TO ANSWER BEFORE PROCEEDING TO THE NEXT QUESTION. DO NOT CHANGE THE WORDING OF ANY QUESTION. RECORD RESPONSES ACCURATELY AND COMPLETELY.

INTRODUCTION

Hello, my name is _____ and I'm calling from Field Research Corporation. We are conducting a short opinion survey. We are not selling anything, and individual responses are confidential.

IF NECESSARY, ADD:

- Founded in 1945, Field Research Corporation is a research firm headquartered in San Francisco, California that is primarily involved in designing, conducting, analyzing and reporting on surveys.
- This will take only about 10 minutes.

RESPONDENT SELECTION

- | | | |
|-----|--|--|
| R1. | For this survey, I need to scientifically select an adult to interview. I would like to speak to the (man) (woman) age (18 to 34) (35 to 54) (55 or older) living in <u>your household</u> who had the most recent birthday. Who would that be?
(ENTER <u>ONE</u> CODE) | RESPONDENT1
SOMEONE ELSE2
NO (MAN) (WOMAN) IN ELIGIBLE AGE
GROUP LIVES IN HH3
NO (MEN) (WOMEN) IN LIVE IN HH4
NOT A HOUSEHOLD5
DON'T KNOW DK
REFUSEDREF |
|-----|--|--|

- IF R1 = 1, GO TO R3.
- IF R1 = 2, ASK R2.
- IF R1 = 3, THE PROGRAM WILL INSTRUCT YOU WHICH AGE/GENDER GROUP TO ASK FOR NEXT.
- IF R1 = DON'T KNOW, ASK TO SPEAK WITH SOMEONE ELSE WHO IS KNOWLEDGEABLE.
- ELSE, CLOSE INTERVIEW.

IF R1 = 2 (SOMEONE ELSE), ASK:

- | | | |
|-----|---|--|
| R2. | May I speak to that person? (ENTER <u>ONE</u> CODE) | AVAILABLE1
UNAVAILABLE2
REFUSEDREF |
|-----|---|--|
- IF R2 = 1 (AVAILABLE), START AGAIN AT INTRO.
 - IF R2 = 2 (UNAVAILABLE), GET NAME, ARRANGE CALLBACK.
 - IF R2 = REF (REFUSED), CLOSE INTERVIEW.

- | | | |
|-----|---|---|
| R3. | For statistical purposes, I just want to confirm that you are a (man) (woman) age (18 to 34) (35 to 54) (55 or older).
(ENTER <u>ONE</u> CODE) | YES1
NO2
REFUSEDREF |
|-----|---|---|
- IF R3 = 1 (YES), ASK R4.
 - IF R3 = 2 (NO), START AGAIN AT R1.
 - IF R3 = REFUSED, CLOSE INTERVIEW.

- | | | |
|-----|--|------------------------|
| R4. | Just so you know, our supervisors sometimes monitor interviews to ensure quality and courtesy. (ENTER "1" WHEN FINISHED) | READ INSTRUCTION.....1 |
|-----|--|------------------------|

SCREENER

S1. Do you or does anyone else in this household work... (ITEM)? (READ ITEMS IN RANDOM ORDER) (ENTER ONE CODE FOR EACH)

	YES	NO	DK	REF
() a. For a government agency.....	1	2	DK	REF
() b. For a restaurant, store or other company that makes or sells pizza	1	2	DK	REF
() c. In marketing research or advertising research	1	2	DK	REF

- IF S1b AND S1c = NO, ASK S2.
- ELSE, CLOSE INTERVIEW (INELIGIBLE).

S2. In the past 3 months, did you, personally, purchase pizza for you or someone else? (ENTER ONE CODE)

YES1
NO2
REFUSEDREF

S3. In the next 3 months, do you think you, personally, will purchase pizza for you or someone else? (ENTER ONE CODE)

YES1
NO2
REFUSEDREF

- IF S2 OR S3 = YES, CONTINUE TO Q1.
- ELSE, CLOSE INTERVIEW (INELIGIBLE).

QUESTIONNAIRE

Q1. Now, I would like to ask you about your understanding of some names or terms concerning pizza. For each one, I would like you to tell me whether you think it is a **common or generic name** or whether it is a **brand name**. A **common or generic name** refers to a type of product or service whereas a **brand name** refers to a product or service from one company or source.

For example, **PIZZA RESTAURANT** is a common or generic name whereas **PIZZA HUT** is a brand name. (ENTER "1" WHEN FINISHED)

READ DEFINITION1

Q2. Before I ask you about the following names or terms concerning pizza I would like to assure you that we are only interested in your opinions and beliefs. After I read a name or term, if you would like me to repeat it or to spell the name or term, please let me know. If you have not heard of a name or term or if you don't know what it refers to, please say so. (ENTER "1" WHEN FINISHED)

READ INSTRUCTION.....1

ROTATE Q3-Q4:

() Q3. The (first/second) name or term is SBARRO ("SUH-BAR-OH"). It is spelled S-B-A-R-R-O. Do you think SBARRO is a (common name or brand name) (brand name or common name)? (ENTER <u>ONE</u> CODE)	COMMON NAME1 BRAND NAME2 OTHER (SPECIFY)3 HAVEN'T HEARD/DON'T KNOW4 REFUSEDREF
() Q4. The (first/second) name or term is CALZONE ("CAL-ZONE-EH"). It is spelled C-A-L-Z-O-N-E. Do you think CALZONE is a (common name or brand name) (brand name or common name)? (ENTER <u>ONE</u> CODE)	COMMON NAME1 BRAND NAME2 OTHER (SPECIFY)3 HAVEN'T HEARD/DON'T KNOW4 REFUSEDREF

- IF Q3 = "BRAND NAME" AND Q4 = "COMMON NAME," CONTINUE.
- ELSE, CLOSE INTERVIEW (INELIGIBLE).

- Q5. Now, I'm going to read you just a few more names or terms concerning pizza. Once again, if you have not heard of a name or term or if you don't know what it refers to, please say so. (ENTER "1" WHEN FINISHED)

READ INSTRUCTION.....1

RANDOMIZE Q6-Q12:

() Q6.	Do you think TOMBSTONE PIZZA is a (common name or brand name) (brand name or common name)? (ENTER <u>ONE</u> CODE)	COMMON NAME1 BRAND NAME2 OTHER (SPECIFY)3 HAVEN'T HEARD/DON'T KNOW4 REFUSEDREF
() Q7.	Do you think DEEP DISH PIZZA is a (common name or brand name) (brand name or common name)? (ENTER <u>ONE</u> CODE)	COMMON NAME1 BRAND NAME2 OTHER (SPECIFY)3 HAVEN'T HEARD/DON'T KNOW4 REFUSEDREF
() Q8.	Do you think THIN CRUST PIZZA is a (common name or brand name) (brand name or common name)? (ENTER <u>ONE</u> CODE)	COMMON NAME1 BRAND NAME2 OTHER (SPECIFY)3 HAVEN'T HEARD/DON'T KNOW4 REFUSEDREF
() Q9.	Do you think PAPA JOHNS PIZZA is a (common name or brand name) (brand name or common name)? (ENTER <u>ONE</u> CODE)	COMMON NAME1 BRAND NAME2 OTHER (SPECIFY)3 HAVEN'T HEARD/DON'T KNOW4 REFUSEDREF
() Q10.	Do you think, DIGIORNOS ("DE-JORE-NOSE") PIZZA is a (common name or brand name) (brand name or common name)? (ENTER <u>ONE</u> CODE)	COMMON NAME1 BRAND NAME2 OTHER (SPECIFY)3 HAVEN'T HEARD/DON'T KNOW4 REFUSEDREF
() Q11.	Do you think VEGETARIAN PIZZA is a (common name or brand name) (brand name or common name)? (ENTER <u>ONE</u> CODE)	COMMON NAME1 BRAND NAME2 OTHER (SPECIFY)3 HAVEN'T HEARD/DON'T KNOW4 REFUSEDREF
() Q12.	Do you think BROOKLYN STYLE PIZZA is a (common name or brand name) (brand name or common name)? (ENTER <u>ONE</u> CODE)	COMMON NAME1 BRAND NAME2 OTHER (SPECIFY)3 HAVEN'T HEARD/DON'T KNOW4 REFUSEDREF

CLOSE INTERVIEW

Those are all my questions. Thank you very much for participating in this survey.

CATI Screens

CONSUMER OPINION SURVEY

SMS Screen #1

```
*** 2007/2008 CONSUMER OPINION SURVEY   Job number: 0163-001   AC:1631
Key.....: 106830
TELEPHONE NUMBER...: (000)000-0000      Timezone (Eastern)
Ask to speak to....: (STOPPED FLAG=0)
-----
IF THIS IS A STOP AND SOMEONE ANSWERS:
Hello. May I speak with ? IF NECESSARY:
My name is ____ and I'm calling from Field Research Corporation. [PROCEED TO
SURVEY NOW. IF R. IS NOT AVAILABLE, TYPE "stop" TO RESCHEDULE A CALLBACK.]
-----
1 Proceed with interview
2 No answer
3 Answering machine/service
4 Busy
5 Fast busy
6 No Ring
7 Fax/Modem/electronic signal
8 Pager
9 Temporary disconnect
10 Changed phone number
11 Blocked number
-----more----- Hit any key to continue
```

SMS Screen #2

*** 2007/2008 CONSUMER OPINION SURVEY Job number: 0163-001 AC:1631
Key.....: 106830
TELEPHONE NUMBER...: (000)000-0000 Timezone (Eastern)
Ask to speak to....: (STOPPED FLAG=0)

IF THIS IS A STOP AND SOMEONE ANSWERS:
Hello. May I speak with ? IF NECESSARY:
My name is ___ and I'm calling from Field Research Corporation. [PROCEED TO
SURVEY NOW. IF R. IS NOT AVAILABLE, TYPE "stop" TO RESCHEDULE A CALLBACK.]

12 Privacy manager
13 Business number/Not a household
14 Disconnect/Not in service
15 Other (EXPLAIN)
16 Return record unused
Please enter choice, or r to redial:

INTERVIEWER INSTRUCTION:

READ EACH QUESTION EXACTLY AS WRITTEN, AND ALLOW THE RESPONDENT SUFFICIENT TIME TO ANSWER BEFORE PROCEEDING TO THE NEXT QUESTION. DO NOT CHANGE THE WORDING OF ANY QUESTION. RECORD RESPONSES ACCURATELY AND COMPLETELY.

Hit any key to continue

INTRODUCTION

1/INTRO

Hello, my name is _____ and I'm calling from Field Research Corporation. We are conducting a short opinion survey. We are not selling anything, and individual responses are confidential.

IF NECESSARY, ADD:

- * Founded in 1945, Field Research Corporation is a research firm headquartered in San Francisco, California that is primarily involved in designing, conducting, analyzing and reporting on surveys.
- * This will only take about 10 minutes.

1 CONTINUE

2 NEW PERSON COMING TO PHONE

3 RETURN TO CONTACT SCREEN

Reply may be REF

.. Reply may be one of the above

Response:

RESPONDENT SELECTION, EXAMPLE

6/QR1

For this survey, I need to scientifically select an adult to interview. I would like to speak to the woman age 18 to 34 living in your household who had the most recent birthday. Who would that be?

(ENTER ONE CODE)

- 1 RESPONDENT
- 2 SOMEONE ELSE
- 3 NO WOMAN IN ELIGIBLE AGE GROUP LIVES IN HOUSEHOLD
- 4 NO WOMEN LIVE IN HOUSEHOLD
- 5 NOT A HOUSEHOLD
- 6 RETURN TO CONTACT SCREEN

Reply may be DK or REF

.. Reply may be one of the above

Response:

IF R1 = 2 (SOMEONE ELSE)

3/QR2

May I speak to that person? (ENTER **ONE** CODE)

- 1 AVAILABLE
- 2 UNAVAILABLE

Reply may be REF

.. Reply may be one of the above

Response:

IF R1 = 3

3/QR1

In that case, I would like to speak to the man age 18 to 34 living in your household who had the most recent birthday. Who would that be?

(ENTER ONE CODE)

- 1 RESPONDENT
- 2 SOMEONE ELSE
- 3 NO MAN IN ELIGIBLE AGE GROUP LIVES IN HOUSEHOLD
- 4 NO MEN LIVE IN HOUSEHOLD
- 5 NOT A HOUSEHOLD
- 6 RETURN TO CONTACT SCREEN

Reply may be DK or REF

.. Reply may be one of the above

Response:

5/QR1

In that case, I would like to speak to the woman age 35 to 54 living **in your household** who had the most recent birthday. Who would that be?

(ENTER **ONE** CODE)

- 1 RESPONDENT
- 2 SOMEONE ELSE
- 3 NO WOMAN IN ELIGIBLE AGE GROUP LIVES IN HOUSEHOLD
- 4 NO WOMEN LIVE IN HOUSEHOLD
- 5 NOT A HOUSEHOLD
- 6 RETURN TO CONTACT SCREEN

Reply may be DK or REF

.. Reply may be one of the above

Response:

4/QR1

In that case, I would like to speak to the man age 35 to 54 living in your household who had the most recent birthday. Who would that be?

(ENTER ONE CODE)

- 1 RESPONDENT
- 2 SOMEONE ELSE
- 3 NO MAN IN ELIGIBLE AGE GROUP LIVES IN HOUSEHOLD
- 4 NO MEN LIVE IN HOUSEHOLD
- 5 NOT A HOUSEHOLD
- 6 RETURN TO CONTACT SCREEN

Reply may be DK or REF

.. Reply may be one of the above

Response:

7/QR1

In that case, I would like to speak to the woman age 55 or older living in your household who had the most recent birthday. Who would that be?

(ENTER ONE CODE)

- 1 RESPONDENT
- 2 SOMEONE ELSE
- 3 NO WOMAN IN ELIGIBLE AGE GROUP LIVES IN HOUSEHOLD
- 4 NO WOMEN LIVE IN HOUSEHOLD
- 5 NOT A HOUSEHOLD
- 6 RETURN TO CONTACT SCREEN

Reply may be DK or REF

.. Reply may be one of the above

Response:

4/QR1

In that case, I would like to speak to the man age 55 or older living in your household who had the most recent birthday. Who would that be?

(ENTER ONE CODE)

- 1 RESPONDENT
- 2 SOMEONE ELSE
- 3 NO MAN IN ELIGIBLE AGE GROUP LIVES IN HOUSEHOLD
- 4 NO MEN LIVE IN HOUSEHOLD
- 5 NOT A HOUSEHOLD
- 6 RETURN TO CONTACT SCREEN

Reply may be DK or REF

.. Reply may be one of the above

Response:

IF R1 = DON'T KNOW

11/QR1DK

May I speak to someone who may be able to answer this question?
(WAIT UNTIL NEW PERSON IS ON THE LINE BEFORE CONTINUING)

(DO NOT RETURN TO CONTACT SCREEN UNLESS IT IS CLEAR THAT THE PHONE TRANSFER
FAILED. IF YOU HAVE THE NAME OF THE PERSON WHO CAN ANSWER, BUT THE TRANSFER TO
THAT PERSON FAILED, CHOOSE "NOT AVAILABLE" RATHER THAN "RETURN.")

- 1 SPEAKING TO NEW PERSON
- 2 NEW PERSON NOT AVAILABLE NOW
- 3 NO/REFUSED
- 4 RETURN TO CONTACT SCREEN

Reply may not be NULL or DK or REF
.. Reply may be one of the above

Response:

IF R1 = REFUSED

13/REFHOWH

INTERVIEWER: WAS THE REFUSAL A HARD OR SOFT REFUSAL?

1 HARD

2 SOFT

Reply may not be NULL or DK or REF

.. Reply may be one of the above

Response:

IF R1 = 1, EXAMPLE, CONDITION = WOMAN, AGE (18 to 34)

15/QR3

For statistical purposes, I just want to confirm that you are a woman age 18 to 34? (ENTER **ONE** CODE)

- 1 YES
- 2 NO

Reply may be REF

.. Reply may be one of the above

Response:

IF R3 = REFUSED

21/REFHOWR

***INTERVIEWER: WAS THE REFUSAL A HARD OR SOFT REFUSAL?

1 HARD

2 SOFT

Reply may not be NULL or DK or REF

.. Reply may be one of the above

Response:

If R3 = 2 (NO)

18/QR1

For this survey, I need to scientifically select an adult to interview. I would like to speak to the woman age 18 to 34 living in your household who had the most recent birthday. Who would that be?

(ENTER ONE CODE)

- 1 RESPONDENT
- 2 SOMEONE ELSE
- 3 NO WOMAN IN ELIGIBLE AGE GROUP LIVES IN HOUSEHOLD
- 4 NO WOMEN LIVE IN HOUSEHOLD
- 5 NOT A HOUSEHOLD
- 6 RETURN TO CONTACT SCREEN

Reply may be DK or REF

.. Reply may be one of the above

Response:

IF R3 = 1 (YES)

16/QR4

Just so you know, our supervisors sometimes monitor interviews to ensure quality and courtesy.

(ENTER '1' WHEN FINISHED.)

1 READ INSTRUCTION

Reply may not be NULL or DK or REF
.. Reply may be one of the above

Response:

SCREENER, RANDOMIZE S1a-S1c

25/QS1

Do you or does anyone else in this household work...

(a) For a government agency?

(ENTER ONE CODE)

1 YES

2 NO

Reply may be DK or REF

.. Reply may be one of the above

Response:

24/QS1

Do you or does anyone else in this household work...

(b) For a restaurant, store or other company that makes or sells pizza?

(ENTER ONE CODE)

1 YES

2 NO

Reply may be DK or REF

.. Reply may be one of the above

Response:

26/QS1

Do you or does anyone else in this household work...

(c) In marketing research or advertising research?

(ENTER ONE CODE)

1 YES

2 NO

Reply may be DK or REF

.. Reply may be one of the above

Response:

IF S1b OR S1c = YES, DK, REF

Those are all my questions. Thank you very much for participating in this survey. (HANG-UP)

(INTERVIEWER: CALL OUTCOME IS AUTOMATICALLY ASSIGNED AS:)

RESULT : Ineligible: HH member in ind/nkt (QS1)

RID : 12

SMS KEY: 106830

(INTERVIEWER: COMMENTS SCREEN FOLLOWS:)

Hit any key to continue

IF S1b AND S1c = NO

27/QS2

In the **past** 3 months, did you, personally, purchase pizza for you or someone else?

(ENTER **ONE** CODE)

- 1 YES
- 2 NO

Reply may be REF

.. Reply may be one of the above

Response:

31/QS3

In the **next** 3 months, do you think you, personally, will purchase pizza
for you or someone else?

(ENTER **ONE** CODE)

- 1 YES
- 2 NO

Reply may be REF

.. Reply may be one of the above

Response:

IF S2 AND S3 ≠ YES

Those are all my questions. Thank you very much for participating in this survey. (HANG-UP)

(INTERVIEWER: CALL OUTCOME IS AUTOMATICALLY ASSIGNED AS:)

RESULT : Ineligible: No pizza +- 3mo (QS2/3)

RID : 12

SMS KEY: 106830

(INTERVIEWER: COMMENTS SCREEN FOLLOWS:)

Hit any key to continue

IF S2 OR S3 = YES, QUESTIONNAIRE

32/Q1

Now, I would like to ask you about your understanding of some names or terms concerning pizza. For each one, I would like you to tell me whether you think it is a **common or generic name** or whether it is a **brand name**. A **common or generic name** refers to a type of product or service whereas a **brand name** refers to a product or service from one company or source.

For example, **PIZZA RESTAURANT** is a common or generic name whereas **PIZZA HUT** is a brand name.

(ENTER "1" WHEN FINISHED)

1 READ DEFINITION

Reply may not be NULL or DK or REF
.. Reply may be one of the above

Response:

40/Q2

Before I ask you about the following names or terms concerning pizza I would like to assure you that we are only interested in your opinions and beliefs. After I read a name or term, if you would like me to repeat it or to spell the name or term, please let me know. If you have not heard of a name or term or if you don't know what it refers to, please say so.

(ENTER "1" WHEN FINISHED)

1 READ INSTRUCTION

Reply may not be NULL or DK or REF
.. Reply may be one of the above

Response:

ROTATE Q3-Q4, Q3, VERSION A

12/Q3

The first name or term is **SBARRO ("SUH-BAR-OH")**. It is spelled S-B-A-R-R-O. Do you think **SBARRO** is a common name or brand name?

(ENTER **ONE** CODE)

- 1 COMMON NAME
- 2 BRAND NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q3, VERSION B

42/Q3

The second name or term is **SBARRO ("SUH-BAR-OH")**. It is spelled S-B-A-R-R-O. Do you think **SBARRO** is a brand name or common name?

(ENTER **ONE** CODE)

- 1 BRAND NAME
- 2 COMMON NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q4, VERSION A

13/Q4

The second name or term is **CALZONE ("CAL-ZONE-EH")**. It is spelled C-A-L-Z-O-N-E. Do you think **CALZONE** is a common name or brand name?

(ENTER **ONE** CODE)

- 1 COMMON NAME
- 2 BRAND NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q4, VERSION B

41/Q4

The first name or term is **CALZONE ("CAL-ZONE-EH")**. It is spelled C-A-L-Z-O-N-E. Do you think **CALZONE** is a brand name or common name?

(ENTER **ONE** CODE)

- 1 BRAND NAME
- 2 COMMON NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

IF Q3 = "BRAND NAME" AND Q4 = "COMMON NAME"

46/Q5

Now, I'm going to read you just a few more names or terms concerning pizza.
Once again, if you have not heard of a name or term or if you don't know what it
refers to, please say so.

(ENTER "1" WHEN FINISHED)

1 READ INSTRUCTION

Reply may not be NULL or DK or REF
.. Reply may be one of the above

Response:

IF Q3 ≠ "BRAND NAME" AND Q4 ≠ "COMMON NAME"

Those are all my questions. Thank you very much for participating in this survey. (HANG-UP)

(INTERVIEWER: CALL OUTCOME IS AUTOMATICALLY ASSIGNED AS:)

RESULT : Ineligible: Wrong answers (Q3/4)

RID : 12

SMS KEY: 106830

(INTERVIEWER: COMMENTS SCREEN FOLLOWS:)

Hit any key to continue

RANDOMIZE Q6-Q12, Q6, VERSION A

15/Q6T012

Q6

Do you think **TOMBSTONE PIZZA** is a common name or brand name?

(ENTER **ONE** CODE)

- 1 COMMON NAME
- 2 BRAND NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q6, VERSION B

51/Q6T012

Q6

Do you think **TOMBSTONE PIZZA** is a brand name or common name?

(ENTER **ONE** CODE)

- 1 BRAND NAME
- 2 COMMON NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q7, VERSION A

18/Q6T012

Q7

Do you think **DEEP DISH PIZZA** is a common name or brand name?

(ENTER **ONE** CODE)

- 1 COMMON NAME
- 2 BRAND NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q7, VERSION B

55/Q6T012

Q7

Do you think **DEEP DISH PIZZA** is a brand name or common name?

(ENTER **ONE** CODE)

- 1 BRAND NAME
- 2 COMMON NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q8, VERSION A

17/Q6T012

Q8

Do you think **THIN CRUST PIZZA** is a common name or brand name?

(ENTER **ONE** CODE)

- 1 COMMON NAME
- 2 BRAND NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q8, VERSION B

54/Q6T012

Q8

Do you think **THIN CRUST PIZZA** is a brand name or common name?

(ENTER **ONE** CODE)

- 1 BRAND NAME
- 2 COMMON NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q9, VERSION A

16/Q6T012

Q9

Do you think **PAPA JOHNS PIZZA** is a common name or brand name?

(ENTER **ONE** CODE)

- 1 COMMON NAME
- 2 BRAND NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q9, VERSION B

58/Q6T012

Q9

Do you think **PAPA JOHNS PIZZA** is a brand name or common name?

(ENTER **ONE** CODE)

- 1 BRAND NAME
- 2 COMMON NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q10, VERSION A

20/Q6T012

Q10

Do you think DIGIORNOS ("DE-JORE-NOSE") PIZZA is a common name or brand name?

(ENTER ONE CODE)

- 1 COMMON NAME
- 2 BRAND NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q10, VERSION B

52/Q6T012

Q10

Do you think DIGIORNOS ("DE-JORE-NOSE") PIZZA is a brand name or common name?

(ENTER ONE CODE)

- 1 BRAND NAME
- 2 COMMON NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q11, VERSION A

21/Q6T012

Q11

Do you think **VEGETARIAN PIZZA** is a common name or brand name?

(ENTER **ONE** CODE)

- 1 COMMON NAME
- 2 BRAND NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q11, VERSION B

53/Q6T012

Q11

Do you think **VEGETARIAN PIZZA** is a brand name or common name?

(ENTER **ONE** CODE)

- 1 BRAND NAME
- 2 COMMON NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q12, VERSION A

19/Q6T012

Q12

Do you think **BROOKLYN STYLE PIZZA** is a common name or brand name?

(ENTER **ONE** CODE)

- 1 COMMON NAME
- 2 BRAND NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Q12, VERSION B

56/Q6T012

Q12

Do you think **BROOKLYN STYLE PIZZA** is a brand name or common name?

(ENTER **ONE** CODE)

- 1 BRAND NAME
- 2 COMMON NAME
- 3 OTHER (SPECIFY)
- 4 HAVEN'T HEARD/DON'T KNOW

Reply may be REF

.. Reply may be one of the above

Response:

Those are all my questions. Thank you very much for participating in this survey. (HANG-UP)

RESULT : Completed interview

RID : 12

SMS KEY: 106030

Hit any key to continue

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on January 24, 2008, I electronically filed the foregoing **DECLARATION OF E. DEBORAH JAY, PhD. IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court for the Eastern District of Texas using the ECF System which will send notification to the following registered participants of the ECF System as listed on the Court's Notice of Electronic Filing: James Ellis Davis, Tracy Sloan Rawlins Davis, Karen Danielle McCloud, and Clyde Moody Siebman.

I also certify that I have mailed by United States Postal Service the paper to the following non-participants in the ECF System:

Molly Buck Richard
Richard Law Group Inc.
8411 Preston Rd., Suite 890
Dallas, TX 75225

s/ Frank A. Angileri
FRANK A. ANGILERI